

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

JAMES H. FISCHER,

Plaintiff,

-v-

BRUSHY MOUNTAIN BEE FARM, INC. ET AL.,

Defendants.

17 Civ. 10094 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:

On February 26, 2019, the Honorable Ona T. Wang, Magistrate Judge, issued a Report and Recommendation as to defendants' motion to dismiss. Dkt. 49. The Court thereafter stayed the case, Dkt. 51, and withheld its ruling pending the outcome of settlement discussions, Dkt. 57.

The Court is now turning its attention to this matter. Given that plaintiff's most recent updates indicated the potential for settlement, the Court directs the parties to file, no later than June 8, 2023, a joint update as to the status of this case as well as the parties' views on the implications, if any, of the Second Circuit's decision in *Fischer v. Forrest*, 968 F.3d 216 (2d Cir. 2020), on this case.

SO ORDERED.



PAUL A. ENGELMAYER  
United States District Judge

Dated: June 1, 2023  
New York, New York